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Attorneys for Plaintiff  
ARBONNE INTERNATIONAL, LLC

IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

ARBONNE INTERNATIONAL, LLC,  
a Delaware limited liability company,

Plaintiff,

v.

LAWRENCE AARON RAILTON, an  
individual; AS COLOUR INC., a  
Delaware corporation; APPAREL  
STUDIO LIMITED, a New Zealand  
limited company; AS COLOUR  
LIMITED, a New Zealand limited  
company.

Defendants.

Civil Action No. 8:16-CV-00608

**COMPLAINT FOR TRADEMARK  
INFRINGEMENT, FALSE  
DESIGNATION OF ORIGIN, AND  
UNFAIR COMPETITION**

**DEMAND FOR JURY TRIAL**

1 Plaintiff ARBONNE INTERNATIONAL, LLC (hereinafter, “Plaintiff”  
2 or “Arbonne”) hereby complains of Defendants LAWRENCE AARON  
3 RAILTON, an individual, AS COLOUR INC., a Delaware corporation,  
4 APPAREL STUDIO LIMITED, a New Zealand limited company, and AS  
5 COLOUR LIMITED, a New Zealand limited company (collectively  
6 “Defendants”) and allege as follows:

7 **JURISDICTION AND VENUE**

8 1. This is an action for federal trademark infringement and false  
9 designation of origin arising under 15 U.S.C. §§ 1114, 1125(a), trademark  
10 infringement and unfair competition arising under the common law of the State  
11 of California, and unfair competition arising under California Business and  
12 Professions Code § 17200.

13 2. This Court has subject matter jurisdiction pursuant to at least 15  
14 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1338(a) and (b), and 1367(a). This Court  
15 has supplemental jurisdiction over the California statutory and common law  
16 claims pursuant to 28 U.S.C. § 1367(a) because the state law claims are so  
17 related to the federal claims that they form part of the same case or controversy.

18 3. This Court has personal jurisdiction over the Defendants because  
19 Defendants conduct business in this judicial district and have committed the acts  
20 alleged herein within this judicial district and elsewhere.

21 4. Venue is proper in this judicial district under 28 U.S.C. §§ 1391  
22 and 1400(a).

23 **THE PARTIES**

24 5. Arbonne is a Delaware limited liability company with a place of  
25 business at 9400 Jeronimo Road, Irvine, California 92618.

26 6. Arbonne is informed and believes, and on that basis alleges, that  
27 Defendant LAWRENCE AARON RAILTON (“Defendant Railton”) is an  
28 individual located in Auckland, New Zealand. Defendant Railton is the owner

1 of the U.S. Trademark Application No. 86/225,337 and U.S. Trademark  
2 Registration No. 4,120,440 for the disputed marks. Upon information and  
3 belief, Defendant Railton has conducted activities within this judicial district in  
4 connection with the disputed marks, including marketing and promotional  
5 activities for apparel, headwear, and bags and retail and wholesale store services  
6 for the same (hereinafter, “Defendants’ Goods and Services”). Upon  
7 information and belief, Defendant Railton has also managed and directed others,  
8 including Defendants AS COLOUR INC. (“Defendant AS Colour Inc.”),  
9 APPAREL STUDIO LIMITED (“Defendant Apparel Studio”), and AS  
10 COLOUR LIMITED (“Defendant AS Colour Ltd.”), to conduct activities within  
11 this judicial district in connection with the disputed marks, including marketing  
12 and promotional activities for Defendants’ Goods and Services.

13 7. Arbonne is informed and believes, and on that basis alleges, that  
14 Defendant AS Colour Inc. is a Delaware corporation with a principal place of  
15 business at 1450 Charles Willard Street, Carson, California 90746, which is  
16 located in this judicial district. Defendant AS Colour Inc. has attended at least  
17 two trade shows in this judicial district, in which Defendant AS Colour Inc.  
18 marketed and promoted Defendants’ Goods and Services to consumers in this  
19 judicial district in connection with the disputed marks.

20 8. Arbonne is informed and believes, and on that basis alleges, that  
21 Defendant Apparel Studio is a New Zealand limited company with a principal  
22 place of business at PO Box 56421, Dominion Road, Mount Eden 1023 New  
23 Zealand. Defendant Apparel Studio is the registrant for the domain name  
24 operated at the website <WWW.ASCOLOUR.CO.NZ>. Defendant Apparel  
25 Studio is doing business in this judicial district and has infringed Arbonne’s  
26 rights herein by virtue of running an active website in this judicial district and  
27 shipping goods to consumers in this judicial district in connection with the  
28 disputed marks. Defendant Apparel Studio offers, provides, and sells


Defendants' Goods and Services to consumers under the disputed marks in this judicial district and elsewhere.



9. Arbonne is informed and believes, and on that basis alleges, that Defendant AS Colour Ltd. is a New Zealand limited company with a principal place of business at PO Box 56421, Dominion Road, Mount Eden 1023 New Zealand. Arbonne is informed and believes that Defendant AS Colour Ltd. is the successor to Defendant Apparel Studio. Defendant AS Colour Ltd. is also the registrant for the domain name operated at the website <WWW.ASCOLOUR.COM>. Defendant AS Colour Ltd. is doing business in this judicial district and has infringed Arbonne's rights herein by virtue of running active websites in this judicial district and shipping goods to consumers in this judicial district in connection with the disputed marks. Defendant AS Colour Ltd. offers, provides, and sells Defendants' Goods and Services to consumers under the disputed marks in this judicial district and elsewhere.





### **COMMON ALLEGATIONS FOR ALL CLAIMS OF RELIEF**

#### **A. Arbonne's Background**

10. Founded in 1980, Arbonne is a lifestyle brand offering a diverse product portfolio, including, but not limited to, clothing, bags, headwear, accessories, jewelry, health and wellness products, personal care products, and cosmetic products, and provides retail services for and including the same.

11. Arbonne first used its  mark nationwide at least as early as 2002.

12. Arbonne also used the following version of the  mark (i.e., with no border) nationwide at least as early as 2002: .

13. Thereafter, the mark slightly evolved to the following mark: . The  mark, the  mark, and the  mark have the same commercial impression and are collectively referred to herein as "Arbonne's House Logo." Arbonne's House Logo is used in connection with every product in the diverse

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1 line of products provided by Arbonne, and in connection with all of Arbonne's  
2 services.

3 14. One of the key identifiers of Arbonne and its goods and services is  
4 Arbonne's House Logo, which Arbonne has continuously used since long  
5 before the acts of Defendants complained of herein.

6 15. Arbonne's House Logo has been consistently and prominently  
7 used, including but not limited to, on Arbonne's websites, marketing and  
8 advertising materials, catalogs, products, point of sale displays, signage, and  
9 product packaging since long before the acts of Defendants complained of  
10 herein.

11 16. Arbonne has used Arbonne's House Logo in connection with, in  
12 particular, clothing, headwear and bags and retail services for the same, since  
13 before the acts of Defendants complained of herein.

14 17. Arbonne's products, including its clothing, headwear, and bags  
15 branded under Arbonne's House Logo, are provided to third parties via various  
16 trade channels, including but not limited to, online at Arbonne's various  
17 websites, via physical retail stores, and/or via a large network of authorized  
18 independent consultants. Since 2008, Arbonne has had as high as 812,794  
19 independent consultants in the U.S.

20 18. Arbonne has achieved enormous market success with net sales in  
21 the eight-year period from 2008 to 2015 at approximately 3.8 Billion US  
22 Dollars.

23 19. Arbonne's House Logo and Arbonne's products and services  
24 provided in connection with the same have been featured in numerous  
25 magazines such as Ladies' Home Journal, Martha Stewart Living, Orange  
26 County Business Journal, Star, and US Weekly.



27 20. As a result of Arbonne's substantial investment in Arbonne's  
28 House Logo, and the popularity and widespread commercial success of


Arbonne's goods and services provided in connection with Arbonne's House Logo, including clothing, headwear, and bags and retail services for the same, Arbonne has developed a tremendous amount of goodwill and consumer recognition in Arbonne's House Logo.

21. Arbonne's House Logo, by virtue of substantial use, recognition, and promotion, has acquired great value as an indicator of Arbonne's goods and services and distinguishes Arbonne's goods and services from the goods and services of others.


22. To protect its valuable intellectual property rights, Arbonne owns U.S. trademark registrations for Arbonne's House Logo.

#### **B. Arbonne's Trademarks**

23. Arbonne is the owner of incontestable United States Trademark Registration No. 3,895,265 (the "'265 Registration") for the  mark for "Cosmetics, concealers, foundations, face color, face powders, eye makeup, eye makeup removers, blushes, lipsticks, lip gloss, non-medicated lip care preparations, lash treatments, makeup primers, makeup samples, color compacts, cosmetic color palettes" in International Class 3 and "Retail shop-at-home party services in the field of health, skin, hair and beauty care products; mail order services featuring health, skin, hair and beauty care products; on-line ordering services in the field of health, skin, hair and beauty care products; distributorship services in the field of health, skin, hair and beauty care products" in International Class 35. The '265 Registration issued on the Principal Register on December 21, 2010 and is based on an application filed in the United States Patent & Trademark Office ("PTO") on December 22, 2009. A true and correct copy of the '265 Registration certificate is attached hereto as Exhibit 1. Pursuant to 15 U.S.C. §1057(c), the filing date of Arbonne's registration constitutes nationwide constructive use of the  mark, conferring on Arbonne a right of nationwide priority in the mark as of the filing date.

24. Arbonne is the owner of United States Trademark Registration No. 4,633,720 (the “720 Registration”) for the  mark for “Full line of hair care, body care and skin care products; skin, body, bath and hair care cleansing preparations, namely, soaps; skin cleansing creams and washes, skin cleansing gels, skin cleansing scrubs, oil free skin cleansers, body and facial scrubs, bath and shower gel, hair and body wash, bubble bath and bath salts, crystals and oils; skin, body and hair care preparations, namely, body, face and skin masques, toners, fresheners, moisture creams, mists and sprays, skin conditioning face and body oils, astringent spray for cosmetic purposes, exfoliants for the skin, moisturizers, oil free skin toner, skincare powder, non-medicated body, face and skin serums and facial cleaning geles; hair care preparations, namely, shampoo, conditioner, hair protectant, hair oil, hair mousse, non-medicated scalp revitalizer, crèmes, primers and hair mask; skin, body and hair lotions; skin, body, hand, foot, eye and hair creams; sun care preparations, namely, sunscreen creams, after sun creams and sun tanning preparations; fragrances, namely, essential oils, scented oils, scented body spray and perfumery; makeup for the face, namely, face oils, non-medicated face brightener, foundation, facial concealer, facial powder, tinted moisturizers and tinted creams; full line of color cosmetics, namely, makeup, skin color wand, finishing powder, pressed powder, eye pencils, eye shadow, blush, eyelash thickener, lip moisturizer, lipsticks, lip pencils, lip gloss, eye makeup remover, non-medicated lip ointment; non-medicated skin care preparations; non-medicated acne treatment preparations, namely, cleansers, washes, lotions and spot treatments; antiperspirants and deodorants for personal use; dentifrices, namely, toothpaste; massage oil and shave gels” in International Class 3; “Medicated preparations, namely, acne cleansers, acne control moisturizers, acne spot treatments, acne medicated preparations for the treatment of acne; Supplements, namely, vitamins, mineral supplements, nutritional supplements,





1 dietary supplements, food supplements and herbal supplements; Nutritional  
2 supplements for energy boosting in tablet and powder form; Powdered  
3 nutritional supplement drink mix; Nutritional supplement for eliminating toxins  
4 from the body; Dietary and nutritional supplements containing fiber; Dietary  
5 supplements in the nature of nutritionally fortified soft chews; Dietary  
6 supplements in the form of nutritionally fortified soft chews; and Herbal teas for  
7 use as dietary supplements” in International Class 5; “Jewelry” in International  
8 Class 14; “Fashion hand bags, purses, handbags, shoulder bags, carryalls, travel  
9 bags, makeup bags sold empty, cosmetic bags sold empty and toiletry bags sold  
10 empty” in International Class 18; “Clothing, namely, shirts, t-shirts, sweaters,  
11 jackets, sweatshirts, pants, socks, hats” in International Class 25; “Energy  
12 drinks; Concentrates and powders used in the preparation of energy drinks and  
13 fruit-flavored beverages” in International Class 32; and “Retail shop-at-home  
14 party services in the field of health and wellness, nutrition and food  
15 supplements, skin, hair and beauty care products; Mail order services featuring  
16 health and wellness, nutrition and food supplements, skin, hair and beauty care  
17 products; On-line ordering services in the field of health and wellness, nutrition  
18 and food supplements, skin, hair and beauty care products; Distributorship  
19 services in the field of health and wellness, nutrition and food supplements,  
20 skin, hair and beauty care products” in International Class 35. The ’720  
21 Registration issued on the Principal Register on November 4, 2014 and is based  
22 on an application filed in PTO on August 22, 2013. A true and correct copy of  
23 the ’720 Registration certificate is attached hereto as Exhibit 2. Pursuant to 15  
24 U.S.C. §1057(c), the filing date of Arbonne’s registration constitutes nationwide  
25 constructive use of the  mark, conferring on Arbonne a right of nationwide  
26 priority in the mark as of the filing date.

27 25. The ’265 Registration and the ’720 Registration (collectively, the  
28 “Asserted Registrations”) have not been abandoned, canceled, or revoked.





26. Based on its substantial and continuous use of Arbonne's House Logo since before the acts of Defendants complained of herein in connection with clothing, headwear and bags, as well as retail services in connection with the same, Arbonne has extensive common law trademark rights in Arbonne's House Logo in connection with such goods and services.

27. Based on its substantial and continuous use of Arbonne's House Logo since at least as early as 2002 in connection with personal care and cosmetics, as well as in connection with retail services in connection with the same since before the acts of Defendants complained of herein, Arbonne has extensive common law trademark rights in Arbonne's House Logo in connection with such goods and services, long before the acts of Defendants complained of herein.


28. Arbonne has actively policed Arbonne's House Logo including by sending numerous demand letters and filing oppositions and petitions before the Trademark Trial and Appeal Board, including but not limited to Opposition No. 91220556 against Defendant Railton's U.S. trademark application for  (Serial No. 86/225,337) and Cancellation No. 92063443 against Defendant Railton's U.S. trademark registration for  (Reg. No. 4,120,440).


### **C. Defendants' Infringing Acts**

29. Defendants, without permission or authority from Arbonne, have infringed Arbonne's House Logo by various acts, including the promotion, advertising, offering for sale, and sale of Defendants' Goods and Services under the  mark and  mark (collectively, "Defendants' Mark"). Defendants offer Defendants' Goods and Services in connection with Defendants' Mark to customers in this judicial district.

30. Defendants' Mark is confusingly similar to Arbonne's House Logo. Defendants' Goods and Services are identical or closely related to Arbonne's

1 goods and services provided in connection with Arbonne's House Logo,  
2 including the goods and services listed in Arbonne's Asserted Registrations and  
3 for which Arbonne has prior common law rights.

4 31. Defendant Railton owns U.S. Trademark Application Serial No.  
5 86/225,337 for  which was filed on March 19, 2014. Arbonne filed an  
6 opposition to the registration of U.S. Trademark Application Serial No.  
7 86/225,337 on February 9, 2015, with the Trademark Trial and Appeal Board.

8 32. Defendant Railton owns U.S. Trademark Registration No.  
9 4,120,440 for , which was filed on December 23, 2010 and registered on  
10 April 3, 2012. Arbonne filed a petition to cancel U.S. Trademark Registration  
11 No. 4,120,440 with the Trademark Trial and Appeal Board on March 30, 2016.

12 33. Defendants AS Colour Ltd. and Apparel Studio own, operate  
13 and/or control the websites <ASCOLOUR.COM> and <ASCOLOUR.CO.NZ>  
14 (collectively, "Defendants' Website").

15 34. Defendants AS Colour Ltd. and Apparel Studio use Defendants'  
16 Mark in connection with the promotion, advertising, offering for sale, and sale  
17 of Defendants' Goods and Services in the United States in connection with  
18 Defendants' Mark via Defendants' Website. Attached hereto as Exhibit 3 is a  
19 screenshot of Defendants' Website and attached hereto as Exhibit 4 is a  
20 photograph of Defendants' Goods, which were shipped to this judicial district in  
21 California from Defendants' Website.

22 35. Defendant AS Colour Inc. has promoted, advertised, and offered  
23 for sale Defendants' Goods and Services in the United States in connection with  
24 Defendants' Mark at the 2016 ISS Long Beach conference, which took place  
25 January 22-24, 2016. Attached hereto as Exhibit 5 is a photograph showing  
26 Defendant AS Colour Inc.'s presence at the ISS Long Beach conference and  
27 copies of materials Defendant AS Colour Inc. distributed at the ISS Long Beach  
28

1 conference, including a price sheet bearing Defendants' Mark and listing AS  
2 Colour Inc.'s following address in Carson, local telephone number, and  
3 "ascolour.com" linked email address, along with excerpts of a catalog bearing  
4 Defendants' Mark in connection with Defendants' Goods and Services:

5 AS Colour Inc.

6 1450 Charles Willard Street

7 Carson, CA 90746

8 Ph: (949) 279-6138

9 rick@ascolour.com

10 36. Defendant AS Colour Inc. has promoted, advertised, and offered  
11 for sale Defendants' Goods and Services in the United States and in this judicial  
12 district in connection with Defendants' Mark at the 2016 Agenda Show in Long  
13 Beach, which took place January 7-8, 2016. Attached hereto as Exhibit 6 is a  
14 screenshot from the Agenda Show's website announcing Defendant AS Colour  
15 Inc.'s attendance and showing Defendants' Mark.

16 37. Defendants' Website has announced plans to open a warehouse in  
17 Carson in April 2016 in connection with Defendants' Goods and Services in  
18 connection with Defendants' Mark. See Exhibit 3.

19 38. Defendants had actual knowledge of Arbonne's prior use of and  
20 rights in Arbonne's House Logo and Asserted Registrations, and Defendants  
21 nevertheless are using and further expanding said use of Defendants' Mark in  
22 the United States with the intent to cause confusion and mistake and to deceive  
23 customers, and with the intent to trade upon the goodwill and substantial  
24 consumer recognition associated with Arbonne's House Logo.

25 39. Defendants have created a likelihood of injury to Arbonne's  
26 business reputation, have caused a strong likelihood of confusion as to the  
27 source, origin, or relationship of Arbonne's and Defendants' goods and services,  
28 and have otherwise competed unfairly with Arbonne.

**FIRST CLAIM FOR RELIEF**

**(Infringement of U.S. Trademark Reg. Nos. 3,895,265 and 4,633,720)**

40. Arbonne repeats, realleges, and incorporates by reference the allegations set forth in Paragraphs 1 through 39 of this Complaint as though fully set forth herein.

41. This is an action for federal trademark infringement arising under 15 U.S.C. § 1114.

42. Without consent of Arbonne, Defendants are using confusingly similar trademarks in the advertising and sale of Defendants' Goods and Services, thereby causing a likelihood that customers would believe Defendants' Goods and Services are associated with, sponsored by, or approved by Arbonne, when they are not. Arbonne is informed and believes, and on that basis alleges, that Defendants had actual knowledge of Arbonne's prior rights in Arbonne's House Logo and Asserted Registrations and has willfully, intentionally, deliberately, and knowingly infringed Arbonne's Asserted Registrations in blatant disregard of Arbonne's rights in violation of 15 U.S.C. § 1114.

43. By their actions, Defendants have injured and violated Arbonne's rights in an amount to be determined at trial. Further, by its actions, Defendants have irreparably injured Arbonne, and such irreparable injury will continue unless Defendants are enjoined by this Court, pursuant to 15 U.S.C. § 1116, from further violation of Arbonne's rights, for which Arbonne has no adequate remedy of law.

**SECOND CLAIM FOR RELIEF**

**(False Designation of Origin)**

44. Arbonne repeats, realleges, and incorporates by reference the allegations set forth in Paragraphs 1 through 43 of this Complaint as though fully set forth herein.

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1           45. This is an action for false designation of origin arising under 15  
2 U.S.C. § 1125(a).

3           46. Without Arbonne's consent, Defendants have created a false  
4 designation of origin by using Defendants' Mark in connection with the  
5 advertising and sale of Defendants' Goods and Services, thereby causing a  
6 likelihood that customers would believe that Defendants' Goods and Services  
7 are associated with, sponsored by, or approved by Arbonne, when they are not.

8           47. Arbonne is informed and believes, and on that basis alleges, that  
9 Defendants had actual knowledge of Arbonne's prior rights in Arbonne's House  
10 Logo and willfully, intentionally, deliberately and knowingly infringed  
11 Arbonne's House Logo with the intent to trade upon Arbonne's reputation and  
12 goodwill by causing confusion and mistake among customers and the public and  
13 by deceiving them in blatant disregard of Arbonne's rights. By these acts,  
14 Defendants have infringed Arbonne's rights in violation of 15 U.S.C. § 1125(a).

15           48. By their actions, Defendants have injured and violated the rights of  
16 Arbonne in an amount to be determined at trial. Further, by their actions,  
17 Defendants have irreparably injured Arbonne, and such irreparable injury will  
18 continue unless Defendants are enjoined by this Court, pursuant to 15 U.S.C. §  
19 1116, from further violation of Arbonne's rights, for which Arbonne has no  
20 adequate remedy at law.

21                           **THIRD CLAIM FOR RELIEF**

22                           **(Common Law and Statutory Unfair Competition)**

23           49. Arbonne repeats, realleges, and incorporates by reference the  
24 allegations set forth in Paragraphs 1 through 48 of this Complaint as though  
25 fully set forth herein.

26           50. This is an action for unfair competition arising under California  
27 Business & Professions Code § 17200 *et seq.* and the common law of the State  
28 of California.

1           51. By reason of the foregoing acts, Defendants have intentionally  
2 caused a likelihood of confusion among the purchasing public in this judicial  
3 district and elsewhere, thereby unfairly competing with Arbonne in violation of  
4 California Business & Professions Code § 17200 *et seq.* and the common law of  
5 the State of California.

6           52. Defendants' aforesaid actions constitute unlawful, unfair,  
7 malicious, or fraudulent practices that have injured and violated the rights of  
8 Arbonne in an amount to be determined at trial.

9           53. Further, by these actions, Defendants have irreparably injured the  
10 consumer recognition and goodwill associated with Arbonne's House Logo, and  
11 such injury will continue unless Defendants are enjoined by this Court from  
12 further violation of Arbonne's rights, for which Arbonne has no adequate  
13 remedy at law.

14           54. Defendants' willful acts of unfair competition under the common  
15 law of the State of California constitute fraud, oppression and malice.  
16 Accordingly, Arbonne is entitled to exemplary damages pursuant to California  
17 Civil Code § 3294(a).

18                           **FOURTH CLAIM FOR RELIEF**

19                           **(Common Law Trademark Infringement)**

20           55. Arbonne repeats, realleges, and incorporates by reference the  
21 allegations set forth in Paragraphs 1 through 54 of this Complaint as though  
22 fully set forth herein.



23           56. This is an action for common law trademark infringement arising  
24 under the common law of the State of California.

25           57. By reason of the aforesaid acts, Defendants have intentionally  
26 caused a likelihood of confusion among the purchasing public in this judicial  
27 district and elsewhere, thereby committing common law trademark  
28 infringement.





1           G. That Defendants, their agents, servants, employees and attorneys,  
2 and all those persons in active concert or participation with them, be forthwith  
3 preliminarily and thereafter permanently enjoined from:

- 4           1. marketing, advertising, identifying, selling, or providing
- 5           products and/or services (including on the Internet) using
- 6           Defendants' Mark or any other mark that is likely to create the
- 7           erroneous impression that Defendants' Goods and Services
- 8           originate from Arbonne, are endorsed by Arbonne or are
- 9           connected in any way with Arbonne;
- 10          2. otherwise infringing on Arbonne's trademark rights;
- 11          3. falsely designating the origin of Defendants' products and/or
- 12          services;
- 13          4. unfairly competing with Arbonne in any manner whatsoever;
- 14          5. causing a likelihood of confusion or injuries to Arbonne's
- 15          business reputation; and
- 16          6. applying for, obtaining or maintaining trademark registrations
- 17          which incorporate Defendants' Mark, including but not limited
- 18          to  and , or any other mark that is likely to create the
- 19          erroneous impression that Defendants' Goods and Services
- 20          originate from Arbonne.

21          H. That Defendants be directed to file with this Court and serve on  
22 Arbonne within thirty (30) days after the service of the injunction a report in  
23 writing, under oath, setting forth in detail the manner and form in which  
24 Defendants have complied with the injunction;

25          I. That Defendants be ordered to pay over to Arbonne all damages  
26 that Arbonne has sustained as a consequence of the acts of trademark  
27 infringement and false designation of origin complained of herein, subject to

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1 proof at trial, and that Arbonne be awarded Defendants' profits derived by  
2 reason of said acts or as determined by said accounting;

3 J. That such damages and profits be trebled and awarded to Arbonne  
4 pursuant to 15 U.S.C. § 1117;

5 K. That Arbonne be awarded its attorneys' fees, costs, and expenses in  
6 connection with this action pursuant 15 U.S.C. § 1117;

7 L. That Arbonne be awarded exemplary damages pursuant to  
8 California Civil Code § 3294;

9 M. That Arbonne be awarded pre-judgment and post-judgment interest  
10 against Defendants; and

11 N. Such other and further relief as this Court may deem just.

12  
13 Respectfully submitted,

14 KNOBBE, MARTENS, OLSON & BEAR, LLP

15  
16 Dated: April 1, 2016

By: /s/ John B. Sganga, Jr.

17 John B. Sganga, Jr.

18 Susan M. Natland

Jessica C. Sganga

19 Attorneys for Plaintiff

20 ARBONNE INTERNATIONAL, LLC  
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**DEMAND FOR TRIAL BY JURY**

Plaintiff Arbonne hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 1, 2016

By: /s/ John B. Sganga, Jr.

John B. Sganga, Jr.

Susan M. Natland

Jessica C. Sganga

Attorneys for Plaintiff

ARBONNE INTERNATIONAL, LLC

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